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OPINIONS AND DECLARATIONS RENDERED BY THE INTER- NATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

Edited by

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Secretary to the Commission

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OPINION 168

On the principles to be observed in interpreting Article 30 of the International Code in relation to the names of genera based upon erroneously determined species (*Opinion* supplementary to *Opinion* 65)

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OPINION 168.

ON THE PRINCIPLES TO BE OBSERVED IN INTERPRETING ARTICLE 30 OF THE INTERNATIONAL CODE IN RELATION TO THE NAMES OF GENERA BASED UPON ERRONEOUSLY DETERMINED SPECIES (*OPINION* SUPPLEMENTARY TO *OPINION* 65).

SUMMARY.—Article 30 of the International Code is to be interpreted as meaning that, as a specimen is the type of a species, so a species is the type of a genus. *Opinion* 65 is to be interpreted as directing (i) that, in the absence of evidence to the contrary, it is to be assumed that the original author of a genus correctly identified the species assigned by him thereto, whether the species in question was designated as the type of the genus by that author or, no species having been so designated, is a species selected as the type by a later author acting under rule (g) in Article 30 of the Code, and (ii) that in the latter event it is to be further assumed that the later author correctly identified the species so selected, but (iii) that, where there is evidence that either or both of these assumptions is at variance with the facts, the case should be submitted with full details to the International Commission on Zoological Nomenclature, and (iv) that, pending their decision thereon, the genus should be regarded as of doubtful status.

I.—THE STATEMENT OF THE CASE.

In 1935 Commissioner Francis Hemming prepared for the consideration of the International Commission on Zoological Nomenclature a paper dealing with certain difficulties which had arisen in the interpretation of *Opinion* 65 (which relates to the determination of the types of genera based upon erroneously determined species) and asking for a clarification of that *Opinion*, with special reference to the status of certain genera in the Order Lepidoptera (Class Insecta).

2. The portion of the foregoing paper relating to the interpretation of *Opinion* 65 reads as follows¹ :—

¹ The text of Part 2 of this paper dealing with individual generic names in the Order Lepidoptera is not reproduced in the present *Opinion*, which is concerned only with the general principles discussed in Part 1. The several portions of Part 2 dealing with individual generic names are, however,

By Francis Hemming, C.B.E.

Introductory

While preparing my *Generic Names of the Holarctic Butterflies*, the first volume of which appeared last year,* I found myself confronted with the names of a number of genera based upon erroneously determined species. When I turned to *Opinion* 65, I found that, although the title of that *Opinion* ("Case of a genus based upon an erroneously determined species") is of a general character, thus indicating that the International Commission intended it to cover all the classes of genera involved, the actual subject matter dealt with by the Commission in the "summary" is very limited. It is confined indeed to one only of the classes of case concerned, and that one of the least frequent, although a second class of case is discussed in the "statement of the case" on which that *Opinion* is founded. On the other hand, *Opinion* 65 gives implicit guidance regarding the principles to be applied in dealing with the other classes of case. Moreover, that *Opinion* lays down the important general proposition that, where any specialist encounters a genus which appears to be based upon an erroneously determined species, he should submit full particulars to the Commission.

2. In view of the relatively large number of cases which I have encountered in a single Sub-Order (Rhopalocera) of one Order (Lepidoptera) of insects, it cannot be doubted that in the Animal Kingdom as a whole the number of genera based upon erroneously determined species must be considerable. For this reason alone it is clearly desirable that the International Commission should now elucidate the principles laid down implicitly in *Opinion* 65. The lack of such guidance is already causing real inconvenience to those whose business it is to determine the types of genera in various groups and is retarding the development of classification.

3. The preparation of such an *Opinion* would not involve the Commission in any substantial amount of additional work, since it will in any case be necessary for the Commission to formulate for their own guidance the principles involved before they can reach decisions on the particular cases in the Order Lepidoptera now submitted. Once those principles have been formulated, there is clearly everything to be gained by their being set out in a special *Opinion* supplementary to *Opinion* 65 in a form readily accessible to all systematic workers.

4. The primary object of the present application is to secure decisions from the International Commission on the identity of the types of those genera in the Order Lepidoptera which I have found to be based upon erroneously determined species. For the reasons explained above, the secondary object of this application is to ask the International Commission, once they have settled those cases, to render an *Opinion* setting out the principles that have guided them in so doing.

5. Part I of the present paper is therefore concerned with the general problem of the different classes of genera based upon erroneously determined species. In this Part, I indicate the solution which appears to me to follow from the principles implicit in the *Opinion* rendered by the Commission as *Opinion* 65.

quoted in the *Opinions* dealing with those names, namely *Opinions* 169 (*Lycaeides* Hübner) (pp. 431-442 below), 173 (*Agriades* Hübner), 175 (*Polyommatus* Latreille), 177 (*Euchloë* Hübner), 179 (*Princeps* Hübner), and 181 (*Carcharodus* Hübner).

* This volume was published by the Trustees of the British Museum (Natural History) on 28th July 1934.

6. Part 2 deals with the particular cases in the Order Lepidoptera on which I am asking for decisions from the International Commission. A full statement of the relevant facts is given for each of the genera concerned, together with suggestions for the solution of the problems involved.

Part 1. The Problems Raised by Genera Based upon Erroneously Determined Species

7. The problems associated with genera based upon erroneously determined species were discussed by the International Commission on Zoological Nomenclature at their meeting held in 1910 at Graz during the Eighth International Congress of Zoology. As the result of that discussion, Dr. C. W. Stiles, as Secretary to the Commission, opened a public debate on this question in a paper which appeared in *Science* in April 1911 under the title "What is the genotype of *X-us* Jones 1900, based upon a species erroneously determined as *albus* Smith 1890?" The statement of the case as given in that paper read as follows:—

Statement of case—Jones proposes the new genus *X-us*, 1900, type species *albus* Smith, 1890.

It later develops that *albus* Smith, 1890, as determined by Jones, 1900, is an erroneous determination.

What is the genotype of *X-us*, 1900; *albus* Smith, 1890, or the form erroneously identified by Jones as *albus* in 1900?

8. As the result of the publication of this paper extensive correspondence ensued between the Secretary to the Commission and specialists in various groups, and this correspondence was laid before the Commission at their meeting held at Monaco in 1913 during the meeting of the Ninth International Congress of Zoology. The Commission then decided, on Dr. Stiles's proposal, to refer the whole of the documents of the case to a specially constituted Committee consisting of Commissioners Hartert, Allen and Hoyle "for recommendation as to action."

9. The Report submitted by the Hartert–Allen–Hoyle Committee was as follows:—

Case of a genus based upon a wrongly determined species

The Committee is of the opinion that as a specimen is the type of a species, so a species is the type of a genus, and hence that when an author names a particular species as the type of a new genus it is to be assumed that it has been correctly determined. If a case should present itself in which it appears that an author has based his genus upon certain specimens rather than upon a species, it should be submitted to the Commission for consideration.

10. The foregoing Report was accepted by the Commission who thereupon adopted it and ordered it to be published as their *Opinion* on this subject.† Effect was given to this decision in March 1914 on the publication of *Opinion* 65.‡ The title and "summary" (i.e. the operative portion) of that *Opinion* are as follows:—

Case of a genus based upon erroneously determined species.

SUMMARY.—If an author designates a certain species as genotype, it is to be assumed that his determination is correct; if a case presents itself in which it appears that an author has based his genus upon certain definite specimens, rather than upon a species, it would be well to submit the case, with full details, to the Commission. At the present moment, it is difficult to lay down a general rule.

11. It will be noted that the "summary" of *Opinion* 65 deals in terms only with the special case where a genus is based upon particular specimens rather than a particular species although the "statement of the case"

† See Stiles, 1914, *Smithson. miscel. Publ.* 2256 : 169.

‡ Published in 1914, *ibid.* 2256 : 152–169.

upon which this *Opinion* is founded is concerned with the case of a genus based upon an erroneously determined species. Only for the first of such types of case does the "summary" lay down clearly the action to be taken. Unlike the "summary," the title to this *Opinion* is quite general, thereby indicating that the Commission intended that this *Opinion* should apply to all the types of case in which a genus may be based upon an erroneously determined species. It was undoubtedly to these other types of case that the observation in the last sentence of the "summary," that "at the present moment, it is difficult to lay down a general rule" was directed. Twenty-one years have gone by since *Opinion* 65 was published by the Commission and no further guidance has been issued to zoologists on this subject. Throughout this period it has therefore been necessary for systematists to deal with the various classes of case, other than the single one expressly covered in the "summary" of the above *Opinion*, as best they could in the light of the general principles deducible from that *Opinion*. Results obtained by such means are obviously liable to challenge until the International Commission as the final judicial authority gives a clear and unequivocal decision on the points of principle involved.

12. The lack of such a decision has not so far caused as much inconvenience as might have been expected since in the case of many groups the war of 1914-1918 materially delayed the detailed study of generic names in the light of the present Code, which in 1914 was only nine years old.* In recent years, however, a great deal of work has been done in this field and a stage has been reached where in some groups almost the only genera, the types of which are open to challenge, are genera, the names of which fall in one or other of the classes covered by *Opinion* 65. It is manifest therefore that if the Commission is to assist specialists to secure stability of nomenclature in their respective groups, one of their most urgent tasks is the elucidation of those parts of *Opinion* 65 which in 1914 they left to be dealt with by implication.

13. Most but not all of the problems involved will be settled automatically by the International Commission when they give decisions on the names in the Order Lepidoptera dealt with in Part 2 of the present paper. There are seven principal classes of case involved, including the class (class "C"), on which a definitive ruling was given in the "summary" of *Opinion* 65, and the class (class "A") dealt with in the "statement of the case" upon which that *Opinion* is based. The classes in question are the following:—

CLASS "A":—a genus of which the type was designated by the original author but there is doubt regarding the identity of the species so designated.

CLASS "B":—a genus of which the type was not designated by the original author of the genus and both that author and the author who subsequently designated the type referred to the species under an erroneously determined name.

CLASS "C":—a genus based upon certain specimens rather than upon a species.

CLASS "D":—a genus of which the type was designated by the original author but the species so designated was a "composite species."

CLASS "E":—a genus of which the type was not designated by the original author of the genus and the originally included species first designated as the type by a later author was a "composite species."

CLASS "F":—a genus of which the type was not designated by the original author of the genus and the species first designated as the type by a later author is a component species of a "composite species" included in the genus by the original author of the genus.

CLASS "G":—a genus of which the type was not designated by the original author of the genus and there is doubt whether the species first designated as the type by a later author is an originally included species.

* The present Code was adopted by the International Congress of Zoology at Berlin in 1901. The editing of the texts was not completed until 1904 and the report of the *Comité de Rédaction*, containing the text of the Code adopted at Berlin, was not published until 1905.

14. At this point it is necessary to refer briefly to two interpretations of *Opinion* 65, each of which is based, as it seems to me, upon a complete misunderstanding of the intention of the International Commission. These interpretations are :—

- (i) If the original author of a genus when designating its type or, if the type is not so designated, the later author when selecting the type, uses a wrongly determined trivial name for the species so designated or so selected, the type of the genus is in all circumstances the species to which properly belongs the specific trivial name erroneously so used.

Note :—In its most extreme form this interpretation claims that the type of a genus is not a species but the name of a species.

- (ii) The type of a genus is not and cannot be a species, since that is an abstract conception quite inappropriate for this purpose. The type of a genus, like the type of a species, must therefore be the actual specimen from which the first published description of the genus was drawn up.

Note :—This argument implies that a given specimen might be the holotype both of a species (see the second part of Section A of the Appendix to the International Code) and of a genus. It implies also that, if the author of a genus based his description upon two or more specimens, each of those specimens would be a paratype of the genus, if at the same time he designated a holotype, and in other cases would be a co-type of the genus.

15. Of these interpretations, interpretation (i) would be valid only if the International Commission had declared in *Opinion* 65 that in all circumstances the type of a genus is, and must remain, the species to which properly belongs the specific trivial name cited at the time when the type of the genus was designated by its author or selected by a subsequent author, irrespective of any evidence that may be available regarding the intentions of the author by whom the type was designated or selected as the case may be. But quite clearly this interpretation is the opposite of the intention of *Opinion* 65, for in the "summary" of that *Opinion* the International Commission expressly provided for the recognition of a mistake having been made by the author in one class of case and clearly implied that in suitable instances they were prepared to accord a similar recognition in other classes of case. Except on this basis, no explanation is possible of the request made in the "summary" that doubtful cases should be submitted "with full details" to the Commission.

16. The origin of interpretation (ii) is no doubt to be found in the reference in the "summary" of *Opinion* 65 to the possibility that a genus might be founded upon "certain definite specimens rather than upon a species." The context clearly shows however that these words were inserted in the "summary" not for the purpose of upholding, still less for enjoining, such a method of founding a genus but for the purpose of condemning it and of pointing out that, where the reviser of a genus encounters such a case, he must regard the identity of the type as open to doubt until the question has been referred to, and settled by, the International Commission. Like interpretation (i), interpretation (ii) must be rejected as fallacious.

17. The general question of what is the type of a genus is made perfectly clear both in Article 30 of the International Code, the opening words of which refer expressly to the "type species of genera" and in the addition to Article 25 approved by the International Zoological Congress at its meeting at Budapest in 1927, which in referring to the type of a genus, refers to the "type species" and to nothing else. Moreover, as pointed out in paragraph 9 above, the same proposition is stated with even greater precision in *Opinion* 65 itself, for in the Resolution adopted by the Commission at Monaco upon which that *Opinion* is founded and from which it derives its authority, it is expressly laid down that "as a specimen is the type of a

species, so a species is the type of a genus." The contention involved in interpretation (ii) that the type of a genus is or may be not a species but a specimen is therefore wholly untenable.

18. The foregoing, however, is not the question with which *Opinion* 65 is concerned. What the Commission had set themselves to consider—and what they therefore dealt with—in that *Opinion* was an entirely different problem and one concerned with procedure only. It was to define the action which the reviser of a genus should take when he finds (or thinks that he finds) evidence showing that that genus is based upon an erroneously determined species. The action enjoined upon revisers in that *Opinion* was that they should guide themselves by the preliminary assumption that the author who designates the type of a genus correctly identified the species so designated. The Commission went on however to qualify this injunction by the proviso that, if in the opinion of the reviser there are grounds for believing that the foregoing preliminary assumption is at variance with the facts, he should submit the case, with full details, to the International Commission.

19. *Opinion* 65 is imperfect not because its meaning is obscure but because the wording of the "summary" and therefore the explicit, as contrasted with the implicit, scope of that *Opinion* is narrower than the title of the *Opinion* which (as already observed) is quite general and covers the whole range of genera based upon erroneously determined species. The position in regard to this *Opinion* is somewhat similar to that which has arisen with regard to *Opinion* 11 (relating to the interpretation of Latreille's *Considérations générales* of 1810). The title of that *Opinion* indicated that it was intended to define the extent to which Latreille designated genotypes in that work, but the "summary" dealt only with part of the problems involved and left the remainder to be inferred. To remedy this situation, the Commission are now being asked to render an *Opinion* supplementary to *Opinion* 11 dealing in express terms with those parts of the subject which were not clearly defined in that *Opinion*. Both *Opinion* 11 and *Opinion* 65 give valuable guidance on the subjects with which they are respectively concerned but neither *Opinion* covers the whole of the ground. The difficulties in regard to *Opinion* 11 will be overcome if the Commission now agree to render the proposed supplementary *Opinion*.² So also will the difficulties which have arisen in regard to *Opinion* 65 if in that case also the Commission agree to render a supplementary *Opinion* dealing with those parts of the subject which were not expressly covered when that *Opinion* was drafted over twenty years ago.

20. I accordingly recommend that the International Commission should render an *Opinion* supplementary to *Opinion* 65:—

- (i) re-affirming the proposition laid down by the Commission at Monaco ‡ that "as a specimen is the type of a species, so a species is the type of a genus";
- (ii) declaring that an author when considering a genus should start with the assumption that the original author of the genus correctly identified both the type species, if he designated a species as such, and also the other species placed by him in that genus, and further that, where the original author did not designate a type, the first author

‡ See paragraphs 9 and 10 above.

² The proposal to render an *Opinion* supplementary to *Opinion* 11 was approved by the International Commission on Zoological Nomenclature at their meeting held at Lisbon on the afternoon of 16th September 1935 (Lisbon Session, 3rd Meeting, Conclusion 1). That decision has since been embodied in *Opinion* 136 (see 1939, *Opinions and Declarations rendered by the International Commission on Zoological Nomenclature* 2 : 13–20).

to select one of the originally included species as the type also correctly identified the species so selected;

- (iii) indicating that, where in the opinion of the reviser of a genus there is evidence that either or both of the foregoing assumptions are at variance with the facts, the identity of the type of the genus must for the time being be regarded as doubtful and that accordingly a reviser encountering such a case should submit it with full details to the International Commission for decision.

21. These are the principles which appear to me to be inherent in *Opinion* 65 and which I have adopted in formulating for the consideration of the International Commission the recommendations in regard to the genera in the Order Lepidoptera set out in Part 2 of the present paper. It follows therefore that, if the Commission approve those proposals, it will be because they have accepted the foregoing interpretation of *Opinion* 65. Equally, if the Commission approve this interpretation of that *Opinion*, they will find no difficulty in approving the proposals submitted in regard to the individual cases dealt with in Part 2.

22. The object of the International Commission in indicating in *Opinion* 65 that doubtful cases should be referred to them with full details can only have been to secure absolute finality regarding the identity of the type of any genus so submitted. If this object is to be secured, decisions in such cases will need to be taken by the Commission not under their ordinary powers but under the plenary powers conferred upon them by the Ninth International Zoological Congress at Monaco in 1913, for it is only by this means that their decision in such a matter can be placed beyond the reach of subsequent dispute.

23. To sum up this part of the case, the object of the present application is to request the International Commission on Zoological Nomenclature to render an *Opinion* supplementary to *Opinion* 65, re-affirming the principle quoted in sub-paragraph (i) of paragraph 20 above and prescribing the method of procedure indicated in sub-paragraphs (ii) and (iii) of that paragraph.

II.—THE SUBSEQUENT HISTORY OF THE CASE.

3. The questions raised in Commissioner Hemming's application were considered by the International Committee on Entomological Nomenclature at their meeting held at Madrid in September 1935 during the Sixth International Congress of Entomology. The International Committee unanimously agreed to recommend the International Commission on Zoological Nomenclature to render an *Opinion* clarifying the meaning of *Opinion* 65 in the manner proposed and, as regards the genera in the Order Lepidoptera (Class Insecta) dealt with in Part 2 of that application, to render *Opinions* declaring that the types of those genera were the species indicated in that paper, *i.e.* the species intended by the original authors concerned and not the species to which properly belong the trivial names erroneously used for those species by the authors concerned.³

³ For the numbers of the *Opinions* subsequently rendered by the International Commission on Zoological Nomenclature in regard to the generic names here referred to, see footnote 1.

4. The above and other resolutions adopted by the International Committee at their meeting held at Madrid were confirmed by the Sixth International Congress of Entomology at the Concilium Plenum held at Madrid on 12th September 1935.

III.—THE CONCLUSION REACHED BY THE INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE.

5. The question of the interpretation of *Opinion* 65 and the associated question of the types of the genera in the Order Lepidoptera (Class Insecta) dealt with in Commissioner Hemming's application were considered by the International Commission on Zoological Nomenclature at their meeting held at Lisbon on the morning of Monday, 16th September 1935. In the course of the discussion on the general principles involved, attention was drawn to the following considerations:—

- (a) The difficulties that had arisen in regard to the interpretation of *Opinion* 65 were largely due to technical faults in that *Opinion* due to the fact that the "summary" of that *Opinion* was drawn in much narrower terms than those of the decision taken by the International Commission when at Monaco in March 1913 they had agreed to render an *Opinion* on this subject.
- (b) The "summary" of *Opinion* 65 was restricted to the special case where the author of a genus designated its type but in reality based his genus upon certain definite specimens rather than on a species and where it was later found that the specimens so used by the author of the genus were not referable to the species designated by that author as the type. On the other hand, the decision to render this *Opinion* was in form a decision to accept, adopt, and publish the report of a special Committee of Three Commissioners (the Hartert-Allen-Hoyle Committee). The proposition in that report (and therefore in the decision taken by the Commission at Monaco in 1913) was that "as a specimen is the type of a species, so a species is the type of a genus." For some (now unascertainable) reason this proposition had been omitted from the "summary" of *Opinion* 65. The result had been unfortunate, since this omission, coupled with the reference in the Monaco decision and (consequently) in the "summary" to *Opinion* 65 to the possibility of an author basing a genus upon "certain definite specimens," had lent some apparent support to the proposition that the type of a genus was or might be a specimen rather than a species.
- (c) Further, the decision taken at Monaco covered a narrower field than did the documents attached to the "statement of the case" on which the discussion leading up to that decision was based, for the case so stated was not confined to the class of case where the misidentified species had been designated as the type by the original author but was applicable also to the case where the misidentified species became the type by being selected as such by a later author. The title of the *Opinion* "Case of a genus based upon erroneously determined species" was wider even than the "statement of the case" and clearly covered every type of case in which a genus could be based upon an erroneously determined species.

- (d) What was now required was an *Opinion* setting out in the clearest and most unambiguous manner possible exactly what was the scope of the decision intended to be conveyed by *Opinion* 65 and the procedure that should be adopted by zoologists when confronted with cases falling within the scope of that *Opinion* as so defined. Only by this means would an end be put to the doubts and perplexities caused by *Opinion* 65 in its present form.

6. In view of the fact that a decision on either part of the present application would inevitably determine also the decision to be taken on the other part, the International Commission considered the two parts together. Their decision thereon was as follows (Lisbon Session, 2nd Meeting, Conclusion 23) :—

- (a) to re-affirm the decision taken at their Monaco Session in 1913 that Article 30 of the International Code is to be interpreted as meaning that, as a specimen is the type of a species, so a species is the type of a genus; to interpret *Opinion* 65 as directing (i) that, in the absence of evidence to the contrary, it is to be assumed that the original author of a genus correctly identified the species assigned by him thereto, whether the species in question was designated as the type of the genus by that author or, no species having been so designated, is a species selected as the type by a later author acting under Article 30(g) of the Code, and (ii) that in the latter event it is to be further assumed that the later author correctly identified the species so selected, but (iii) that, where there is evidence that either or both of these assumptions is at variance with the facts, the case should be submitted with full details to the International Commission on Zoological Nomenclature, and (iv) that, pending their decision thereon, the genus should be regarded as of doubtful status;
- (b) in the light of (a) above, to suspend the rules in the case of the undermentioned genera and to declare the types of the genera in question to be the species indicated below :—

Name of genus	Type of genus
(1) <i>Lycaeides</i> Hübner, [1819], ⁴ <i>Verz. bek. Schmiett.</i> (5) : 69	<i>Papilio argyrognomon</i> Bergstrasser, [1779], <i>Nom. Ins.</i> 2 : 76 (the species misidentified as <i>Papilio argus</i> Linnaeus, 1758, by Schiffermüller & Denis, 1775, and by Hübner and later authors)
(2) <i>Agriades</i> Hübner, [1819], <i>Verz. bek. Schmiett.</i> (5) : 68 and <i>Latorina</i> Tutt, 1909, <i>Ent.</i> <i>Rec.</i> 21 : 108	<i>Papilio glandon</i> Prunner, 1798, <i>Lepid. pedemont.</i> : 76 (the species misidentified as <i>Papilio orbitulus</i> Prunner, 1798, by Esper, [1799], by Hübner and other authors)

⁴ As explained in note (33) on page 68 of vol. 1 of *Bull. zool. Nomencl.*, it was believed at the time of the Lisbon Session that signatures 5 to 15 of Hübner's *Verz. bek. Schmiett.* were published in 1823. With the discovery and examination of Hübner's surviving manuscripts, it has since been ascertained that of these signatures nos. 5 to 11 were published in 1819 (see *Opinion* 150 in 1943, *Opinions and Declarations rendered by the International Commission on Zoological Nomenclature* 2 : 161-168). The dates were corrected in the *Official Record of the Proceedings* of the International Commission at their Lisbon Session as agreed upon at the Fifth Meeting of the Commission at that Session (Conclusion 1(c)).

Name of genus	Type of genus
(3) <i>Polyommatus</i> Latreille, 1804, <i>Nouv. Dict. Hist. nat.</i> 24 (Tab.) : 185, 200	<i>Papilio icarus</i> Rottemburg, 1775, <i>Naturforscher</i> 6 : 21 (the species misidentified as <i>Papilio argus</i> Linnaeus, 1758, by Latreille, 1804)
(4) <i>Euchloë</i> Hübner, [1819], <i>Verz. bek. Schmett.</i> (6) : 94	<i>Euchloë ausonia</i> Hübner var. <i>esperii</i> Kirby, 1871, <i>Syn. Cat. diurn. Lep.</i> : 506 (the species misidentified as <i>Papilio belia</i> Linnaeus, 1767, by Stoll (in Cramer), and by Esper and Hübner)
(5) <i>Princeps</i> Hübner, [1807], <i>Samm. exot. Schmett.</i> 1 : pl. [116] and <i>Orpheides</i> Hübner, [1819], <i>Verz. bek. Schmett.</i> (6) : 86	<i>Papilio demodocus</i> Esper, [1798], <i>Ausl. Schmett.</i> (14) : 205 (first described by Linnaeus in 1764 as <i>Papilio demoleus</i> , a name given by him in 1758 to another species; similarly misidentified by Hübner)
(6) <i>Carcharodus</i> Hübner, [1819], <i>Verz. bek. Schmett.</i> (7) : 110 and <i>Spilothyrus</i> Duponchel, 1835, in Godart, <i>Hist. nat. Lépid. France Suppl.</i> 1 (Diurnes) : 415	<i>Papilio alceae</i> Esper, [1780], <i>Die Schmett.</i> 1 (Bd. 2) <i>Forts. Tagschmett.</i> : 4 pl. 51 fig. 3 ♀ (the species misidentified as <i>Papilio malvae</i> Linnaeus, 1758, by Denis and Schiffermüller, 1775, and by Hübner and Duponchel)

(c) to render *Opinions* in the sense of (a) and (b) above.⁵

7. At the meeting of the Commission held on Tuesday, 17th September 1935 (Lisbon Session, 4th Meeting, Conclusion 17), Commissioner Francis Hemming, who, in the absence through ill-health of Dr. C. W. Stiles, Secretary to the Commission, had been charged with the duty of preparing the report to be submitted by the Commission to the Twelfth International Congress of Zoology, reported that, in accordance with the request made by the Commission on the previous day (Lisbon Session, 3rd Meeting, Conclusion 3(b)), he had made a start with the drafting of the Commission's report; that he had made considerable progress in spite of being hampered by the lack of standard works of reference; and that he did not doubt that he would be in a position to lay a draft report before the Commission at their next meeting, though in the time available it would be quite impracticable to prepare the drafts of paragraphs relating to all the matters on which decisions had been reached during the Lisbon Session of the Commission. As agreed upon at the meeting referred to above (Lisbon Session, 3rd Meeting, Conclusion 3(a)(iii)), he was there-

⁵ The above is an extract from the *Official Record of Proceedings of the International Commission* at their Session held at Lisbon in 1935 (see 1943, *Bull. zool. Nomencl.* 1 : 23-25).

fore concentrating upon those matters that appeared the more important. Commissioner Hemming proposed that those matters which it was found impossible to include in the report, owing to the shortness of the time available, should be dealt with after the Congress on the basis of the records in the *Official Record of the Proceedings of the Commission* during their Lisbon Session. For this purpose, Commissioner Hemming proposed that all matters unanimously agreed upon during the Lisbon Session should be treated in the same way, whether or not it was found possible to include references to them in the report to be submitted to the Congress, and therefore that every such decision should be treated as having been participated in by all the Commissioners and Alternates present at Lisbon. The Commission took note of, and approved, the statement by Commissioner Hemming, and adopted the proposals submitted by him, as recorded above, in regard both to the selection of items to be included in their report to the Twelfth International Congress of Zoology and to the procedure to be adopted after the Congress in regard to those matters with which, for the reasons explained, it was found impossible to deal in the report.

8. The decisions involving suspension of the rules in the case of the names dealt with in paragraph (b) of Conclusion 23 of the Second Meeting of the Lisbon Session (quoted in paragraph 6 above) were embodied in paragraph 29 of the report which at their meeting held on the morning of Wednesday, 18th September 1935, the Commission (Lisbon Session, 5th Meeting, Conclusion 6) unanimously agreed to submit to the Twelfth International Congress of Zoology. It was not found possible in the time available to include in the report the decision recorded in paragraph (a) of Conclusion 25, which was therefore left to be dealt with under the procedure referred to in paragraph 7 above. The Commission's report was unanimously approved by the Section on Nomenclature at its joint meeting with the International Commission held on the afternoon of the same day. It was thereupon submitted to the Twelfth International Congress of Zoology by which it was unanimously approved and adopted at the Concilium Plenum held on Saturday, 21st September 1935, the last day of the Congress.

9. In accordance with the decision taken by the Commission at Lisbon in regard to their procedure at that Session, the action proposed in regard to the generic names specified in paragraph (b) of Conclusion 23 of the Second Meeting of that Session was duly

advertised in 1936 in two or more of the journals specified in the Resolution adopted by the Ninth International Congress of Zoology at their meeting held at Monaco in March 1913, by which the said International Congress conferred upon the International Commission on Zoological Nomenclature plenary power to suspend the rules as applied to any given case where, in the judgment of the Commission, the strict application of the rules would clearly result in greater confusion than uniformity.⁶ In the period that has elapsed since the advertisement in the said journals of the proposed suspension of the rules in the case of the names specified in paragraph (b) of Conclusion 23 of the 2nd Meeting of the Lisbon Session of the International Commission, no communication of any kind has been received by the International Commission objecting to the suspension of the rules in the manner proposed.

10. The present *Opinion* was concurred in by the twelve (12) Commissioners and Alternates present at the Lisbon Session of the International Commission, namely :—

Commissioners :—Calman; Hemming; Jordan; Pellegrin; Peters; and Stejneger.

Alternates :—do Amaral *vice* Cabrera; Ohshima *vice* Esaki; Bradley *vice* Stone; Beier *vice* Handlirsch; Arndt *vice* Richter; and Mortensen *vice* Apstein.

11. The present *Opinion* was dissented from by no Commissioner or Alternate present at the Lisbon Session.

12. The following five (5) Commissioners who were not present at Lisbon nor represented thereat by Alternates did not vote on the present *Opinion* :—

Bolivar y Pieltain; Chapman; Fantham; Silvestri; and Stiles.

13. At the time when the vote was taken on the present *Opinion*, there was one (1) vacancy in the Commission consequent upon the death of Commissioner Horváth.

IV.—AUTHORITY FOR THE ISSUE OF THE PRESENT *OPINION*.

WHEREAS the Ninth International Congress of Zoology at its meeting held at Monaco in March 1913, adopted a Resolution conferring upon the International Commission on Zoological

⁶ See *Declaration 5* (1943, *Opinions and Declarations rendered by the International Commission on Zoological Nomenclature 1* : 31-40).

Nomenclature, acting for the International Congress of Zoology, plenary power to suspend the rules as applied to any given case where, in the judgment of the Commission, the strict application of the rules would clearly result in greater confusion than uniformity, provided that not less than one year's notice of the possible suspension of the rules as applied to the said case should be given in two or more of five journals specified in the said Resolution, and provided that the vote in the Commission was unanimously in favour of the proposed suspension of the rules; and

WHEREAS the By-Laws of the International Commission on Zoological Nomenclature provide that, except in cases involving the suspension of the rules, an *Opinion* is to be deemed to have been adopted by the said International Commission as soon as a majority of the Members of the Commission, that is to say ten (10) Members of the said Commission, have recorded their votes in favour thereof, provided that, where any proposed *Opinion* involves a reversal of any former *Opinion* rendered by the Commission, such proposed *Opinion* shall obtain the concurrence of at least fourteen (14) Members of the Commission voting on the same before such *Opinion* is to be deemed to have been adopted by the Commission, and

WHEREAS the first portion of the Twenty Third Conclusion of the Second Meeting of the International Commission on Zoological Nomenclature at their Lisbon Session held in September 1935, that is to say the portion set out in the summary to the present *Opinion*, neither requires, in order to be valid, the suspension of the rules nor involves a reversal of any former *Opinion* rendered by the Commission, while the second portion of the said Conclusion does require such suspension of the rules; and

WHEREAS not less than one year's notice of the possible suspension of the rules as applied to the second portion of the said Twenty Third Conclusion has been given to two or more of the journals specified in the Resolution adopted by the Ninth International Congress of Zoology at its meeting held at Monaco in March 1913; and

WHEREAS the vote in the Commission at their Lisbon Session was unanimously in favour of the decision recorded in the said Twenty Third Conclusion and at that Session twelve (12) Members of the Commission signified their concurrence therein either personally or through Alternates;

NOW, THEREFORE,

I, FRANCIS HEMMING, Secretary to the International Commission on Zoological Nomenclature, acting in virtue of all and every the powers conferred upon me in that behalf by virtue of holding the said Office of Secretary to the International Commission, hereby announce on behalf of the International Commission, acting for the International Congress of Zoology, the present *Opinion* relating to the matters dealt with in the first portion of the Twenty Third Conclusion of the Second Meeting of the International Commission at their Session held at Lisbon in September 1935, and direct that it be rendered and printed as *Opinion* Number One Hundred and Sixty Eight (*Opinion* 168) of the said Commission.

In faith whereof I, the undersigned FRANCIS HEMMING, Secretary to the International Commission on Zoological Nomenclature, have signed the present *Opinion*.

DONE in London, this fifteenth day of July, Nineteen Hundred and Forty Three, in a single copy, which shall remain deposited in the archives of the International Commission on Zoological Nomenclature.

*Secretary to the International Commission
on Zoological Nomenclature.*

FRANCIS HEMMING